

## **OTHER RESPONSIBILITIES**

**7730**

(No.78 January 2017)

## **ADVERSE DAMAGE CLAIMS**

**7731**

(December 2016)

In the conduct of official business, employees of CAL FIRE may become involved in incidents which could lead to claims against the State. Such things often occur wherever land or property is being used by an agency, and they are especially likely to occur when CAL FIRE is performing fire control and other emergency duties.

The nature of fire and other emergency activity work invites accidents, injuries, and general confusion. In addition, fire control forces may take actions that are reasonably necessary to control a fire or other emergency but which are damaging to property. They may need to breach fences or locked gates, sacrifice property in a backfire action, or perform other acts that damage personal property. Such actions will be considered reasonable and proper if good judgment is used by responsible personnel according to the conditions that exist at the time of the action.

CAL FIRE is not obligated or authorized to make actual expenditures or efforts to repair or replace private property.

The above-stated conditions make it imperative that each employee continuously consider three aspects of adverse damage claims as outlined below.

## **PREVENTION OF INJURY AND DAMAGE**

**7731.1**

(No.78 January 2017)

CAL FIRE employees must exercise all reasonable caution in the performance of prescribed duties to prevent any act or eliminate any condition which may cause injury to persons or damage to property.

The rules set forth below must be learned and followed:

- Never destroy or damage property at any time unless absolutely necessary to control an emergency.
- Never destroy or damage property without obtaining the owner's consent, if practical.
- Always try to minimize the damage and destruction.
- Try to make temporary repairs that may prevent further damage.

## **ACCIDENT OR INCIDENT REPORTS**

**7731.2**

(No.78 January 2017)

If a CAL FIRE employee has knowledge that an accident or incident has occurred which involves CAL FIRE, the fact should be reported promptly in a complete written memorandum through channels to the responsible Region Chief. For accidents not involving a motor vehicle, STD Form 268, Accident Report, must be completed within 24 hours.

## **EMPLOYEE BEHAVIOR WHEN DEALING WITH THE PUBLIC REGARDING ALLEGED DAMAGES**

**7731.3**

(No.78 January 2017)

Because of the type of work in which CAL FIRE engages, it is not uncommon for citizens to believe that they have suffered some damage due to CAL FIRE activity for which they should be compensated. It is, therefore, quite important that CAL FIRE employees understand how they should respond when confronted by a party claiming to have been injured. Often such a confrontation occurs under high emotional stress. The CAL FIRE employee should adhere to the following guidelines:

- Always remain calm and courteous.
- Make no admissions of wrongdoing, but at the same time explain that a full report will be made to a proper superior.
- Explain that the Government Claims Program will give a thorough and unbiased hearing to the claimant.
- If a Compensation and Claims Unit has been established at a going incident, direct the claimant to that Unit.
- Do not offer to secure claim forms for the protesting party. Any formal claim becomes a matter between the claimant and the Government Claims Program as to procedure.
- Advise those claimants who insist upon taking formal action to correspond with the following:

Government Claims Program  
Office of Risk and Insurance Management  
Department of General Services  
P.O Box 989052, MS 414  
West Sacramento, CA 95798-9052

Claimants may also be directed to the following website:  
<http://www.dgs.ca.gov/orim/Programs/GovernmentClaims.aspx>.

- The claimant may be supplied by the Government Claims Program with a copy of form DGS ORIM 06, entitled, Government Claim Form.  
<https://www.documents.dgs.ca.gov/ORIM/Government%20Claims%20Program/GCClaimForm%20edits.pdf>

The DGS ORIM 06 is self-explanatory, and through its use the matter at issue will be transferred to the proper body.

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